



**U S Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to Public Notice No. 2006-2424 KAN Issue Date: January 22, 2007
Stream: Unnamed tributaries of Long Branch Closing Date: February 20, 2007
of the Kanawha River

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Huntington District
ATTN: CELRH-OR-FS Public Notice No. 2006-2424 KAN
502 Eighth Street
Huntington, West Virginia 25701-2070 Phone: (304) 399-5710

PUBLIC NOTICE: The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

REGULATORY PROGRAM: Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

SECTION 404: The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States (U.S.), including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the West Virginia Department of Environmental Protection to act on Section 401 Water Quality Certification for the following application.

APPLICANT: Mrs. Luella Henson
P.O. Box 655
Nitro, West Virginia 25143

LOCATION: The proposed project would be located in unnamed tributaries of Long Branch, east of State Route 34, approximately 1.7 miles north of the intersection Interstate 64 and State Route 34, in Putnam County, West Virginia (approximate latitude 38° 28' 46" and longitude 81° 55' 27"). Long Branch is a tributary to the Kanawha River, a navigable (Section 10) water of the U.S. Drawing No. 1 depicts the location of the proposed project.

DESCRIPTION OF THE PROPOSED WORK: The West Virginia Department of Highways proposed to construct a new portion of U.S. Route 35 from County Road 33/2 to State Route 34 which would result in the production of excess excavation materials. The applicant proposes to dispose approximately 1.8 million cubic yards of excess excavation material on a 20-acre (approximate) site at the aforementioned location. The placement of material would result in permanent impacts to 2,227 linear feet of waters of the U.S., consisting of 488 linear feet of perennial stream, 818 linear feet of intermittent stream and 921 linear feet of ephemeral stream. Impact areas are indicated on Drawing 2.

ALTERNATIVE ANALYSIS: This project is not considered to be water dependent; therefore, the applicant is required to show that other less damaging practicable alternatives are not available that would achieve the applicant's goal. The applicant proposes future submission of an alternatives analysis.

MITIGATION PLAN: The applicant has submitted a conceptual plan to mitigate for the permanent impact to waters of the U.S. To compensate for the permanent impact to intermittent and ephemeral streams the applicant would mitigate on-site, in-kind through the creation of streams along the perimeter drainage ditches of the constructed fill using natural stream design techniques. The applicant has indicated site constraints necessitate off-site, in-kind mitigation for permanent impacts to perennial stream. The applicant proposes off-site, in-kind restoration and enhancement of a section of an unnamed perennial tributary of Long Branch downstream of the proposed project site. Proposed mitigation areas are indicated on Drawing 2. Proposed fill details are provided on Drawing 3. The applicant proposes future submission of a Compensatory Mitigation Plan for impacts to waters of the U.S. regulated by Corps of Engineers.

WATER QUALITY CERTIFICATION: A Section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain certification from the West Virginia Department of Environmental Protection.

HISTORIC AND CULTURAL RESOURCES: The National Register of Historic Places (NRHP) has been consulted and it has been determined there are no properties currently listed on the register that are in the area affected by the project. In a letter dated December 12, 2006, referencing their FR# 07-168-PU, the West Virginia Division of Culture and History concurred that no known historical, architectural or archaeological sites listed on or eligible for inclusion in the National Register of Historic Places would be affected by the proposed project.

This public notice serves as coordination with the State Historic Preservation Officer regarding historic properties. If the West Virginia Division of Culture and History (WVDCH) has any new information concerning potential effects to historic properties that may result from the proposed permitting action, we request the WVDCH provide information to this office pursuant to Section 106 of the National Historic Preservation Act.

ENDANGERED/THREATENED SPECIES REVIEW: This public notice also serves as coordination with the U. S. Fish and Wildlife Service (USFWS) regarding threatened or endangered species. If the Service believes any potential effects to federally listed species would be attributable to the Huntington District's proposed permitting action, we request the Service provide any additional information pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

PUBLIC INTEREST REVIEW AND COMMENT: Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity.

Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; of those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act.


Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

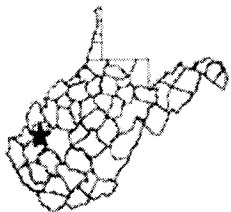
Persons wishing to submit comments, objections or requests for public hearings concerning the Corps of Engineers permit should write:

U. S. Army Corps of Engineers
ATTN: CEORH-OR-FS Public Notice No. **2006-2424 KAN**
502 Eighth Street
Huntington, West Virginia 25701-2070

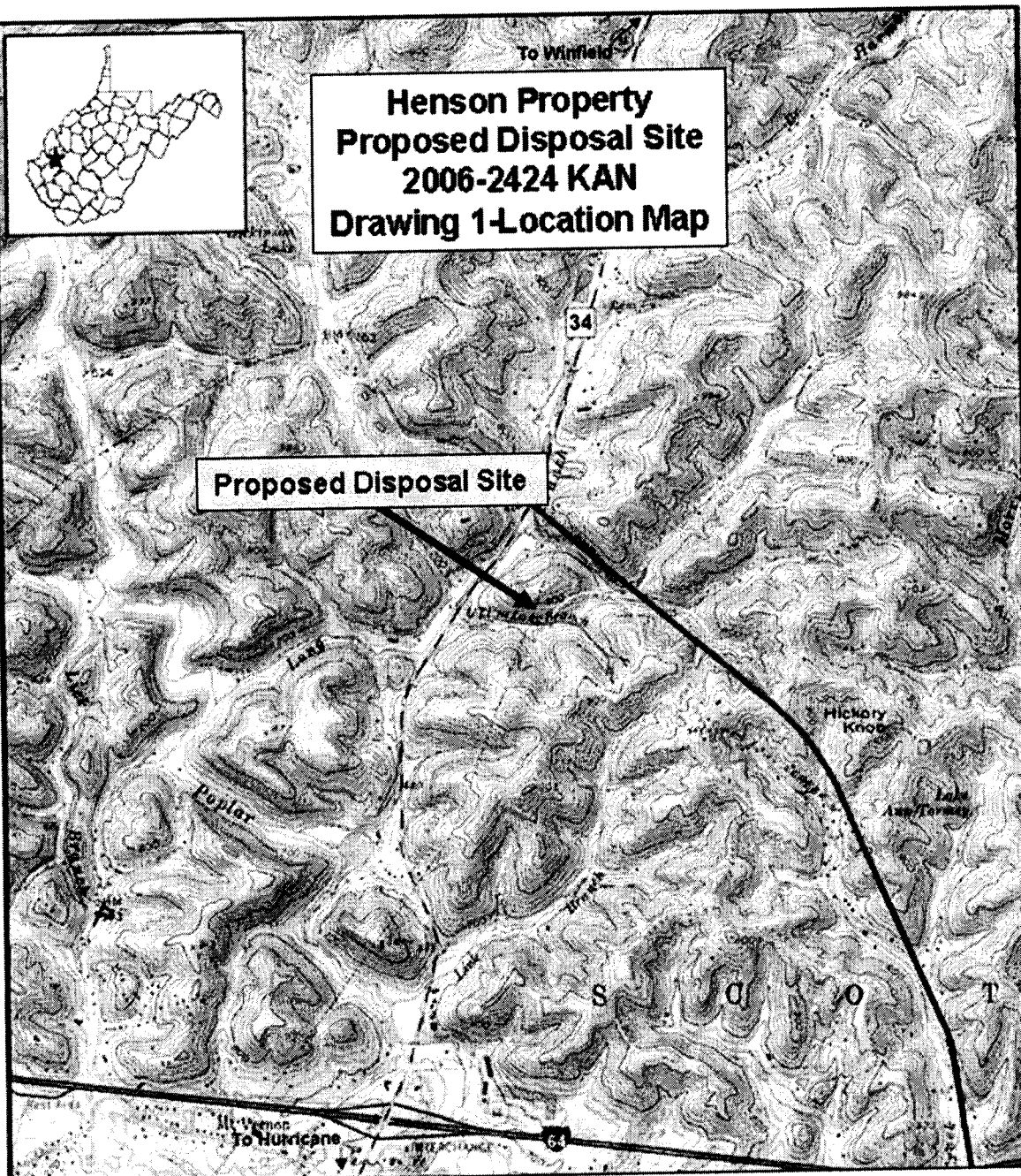
If you have any questions concerning this public notice, please call Richard Hemann of the South Regulatory Section at 304-399-5710.


Ginger Mullins, Chief
Regulatory Branch

(W)



**Henson Property
Proposed Disposal Site
2006-2424 KAN
Drawing 1-Location Map**



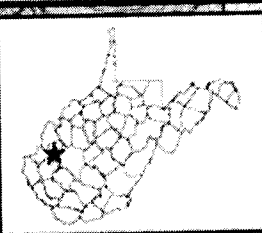
- Proposed Waste Site 3
- Proposed US 35 Alignment
- Constructed US 35 Alignment



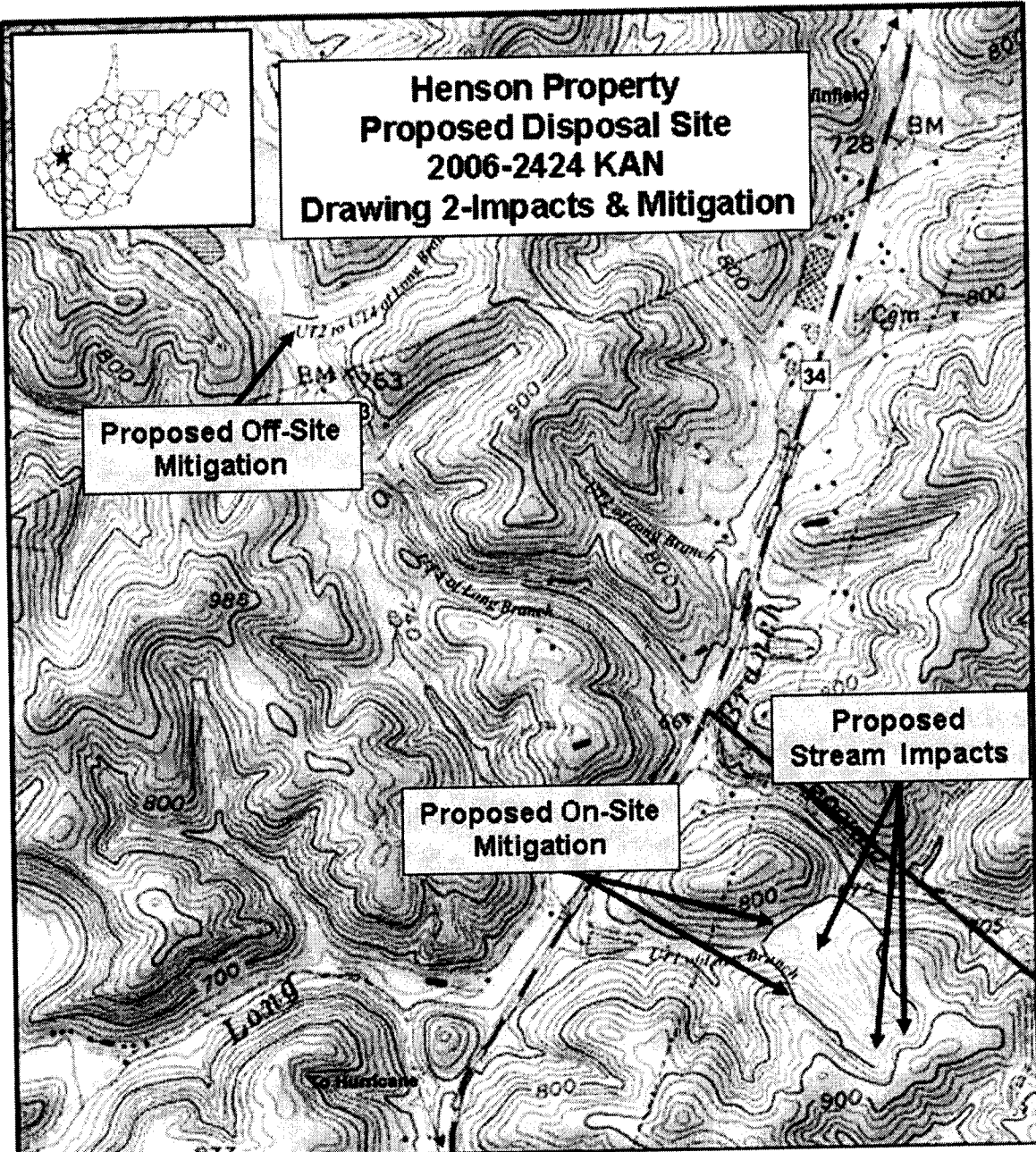
Project Location

Baker





**Henson Property
Proposed Disposal Site
2006-2424 KAN
Drawing 2-Impacts & Mitigation**



Proposed Waste Site #3

Existing Streams

Replacement Reaches

Enhancement/Restoration Reaches

Proposed US 35 Alignment

1,000 500 0 1,000 Feet

250 125 0 250 Meters

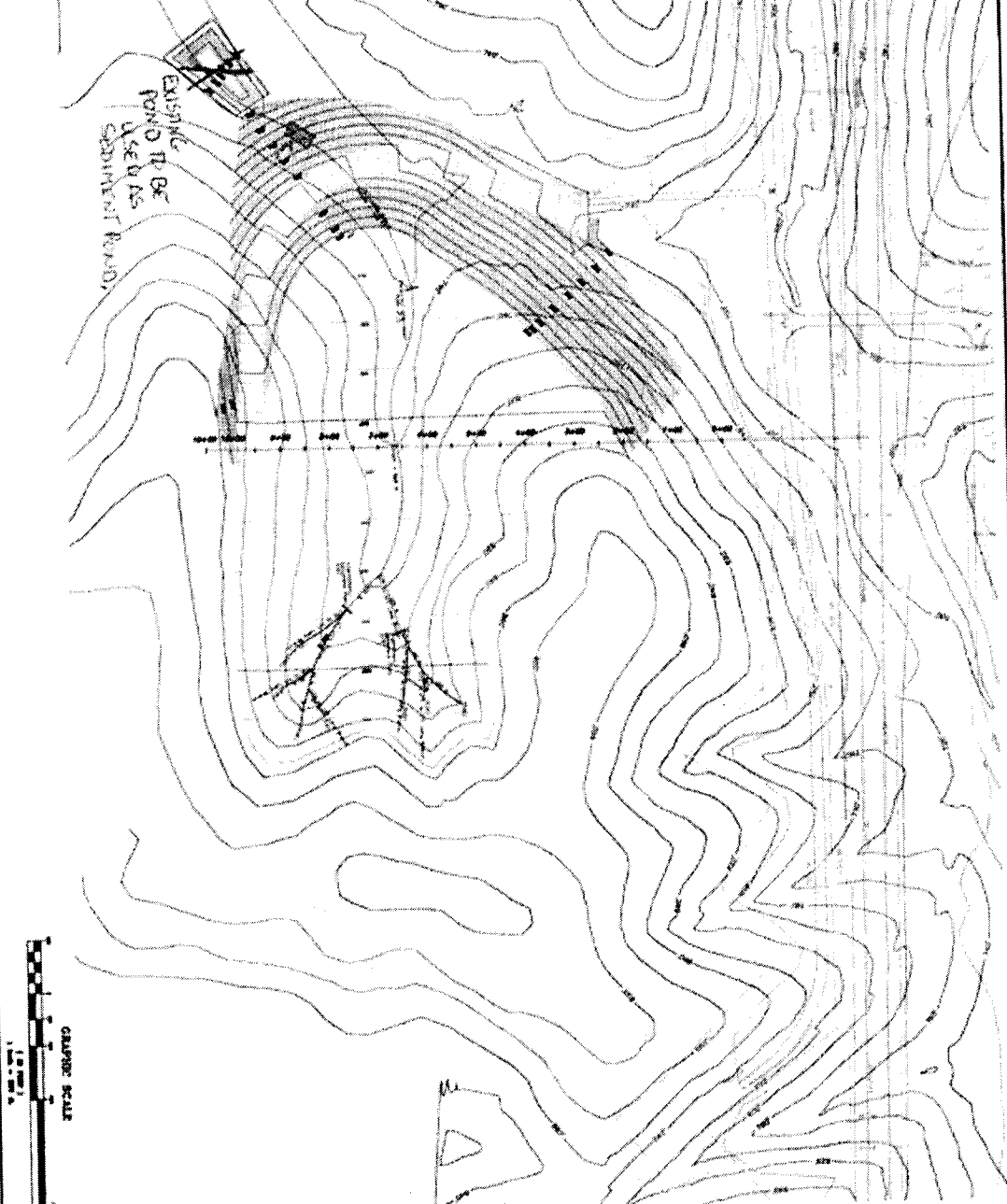
Baker

Proposed Stream Mitigation

STONE COMPANY

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**Henson Property
Proposed Disposal Site
2006-2424 KAN
Drawing 3-Fill Detail View**



1 OF 2

Exhibit No. 1 - Waste Site No. 3
Proposed Development Plan
Publican County, Iowa, 1851 Village



KANAWHA STONE COMPANY
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PH (314) 782-0271 FAX (314) 782-0272